

November 28, 2016

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
40 Foley Square, Room 2103.
New York, NY 10007

**Re: Schwartz v. HSBC Bank USA, N.A.
Civil Action No. 14-cv-9525 (KPF)**

Dear Judge Failla:

We represent defendant HSBC Bank USA, N.A. ("HSBC") in the above-captioned matter. In connection with HSBC's pending motion to dismiss the Second Amended Complaint for lack of standing (D.E. 51), we submit the Second Circuit's decision in *Strubel v. Comenity Bank*, 2016 WL 6892197 (2d Cir. Nov. 23, 2016). In light of this decision, HSBC respectfully requests that the parties be afforded leave to submit supplemental briefs in connection with the pending motion to dismiss.

Thank you for your consideration of this request.

Respectfully submitted,

s/ Louis Smith
Louis Smith

Encl.

cc: Brian L. Bromberg, Esq. (via ECF)
Harley J. Schnall, Esq. (via ECF)

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